

U. S. PTO Customer No. 25280

Case #5063A

REMARKS

Claims 11, 13, 16 and 22 were pending in the application. Claims 11, 13, 16 and 22 have been amended. No claims have been added. Thus claims 11, 13, 16 and 22 are subject to continued examination. Each of these claims is believed to be in condition for allowance.

Accordingly, an action to that effect is requested at this time.

ART REJECTIONS:

Claims 11, 16 and 22 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 5,902,662 to Kerr in view of U.S. patent 5,198,278 to Sumimoto et al. and claim 13 was rejected under 35 USC 103(a) as being obvious over Kerr in view of U.S. Patent 6,296,919 to Rockwell, Jr. et al. Continued rejection on these grounds is respectfully traversed and reconsideration is requested.

As regards claim 11, this claim recites that the pile backing or carrier consists essentially of a non-woven fibrous construction weighing not more than about 4.5 ounces per square yard. In addition, the claim recites the feature that the pile backing is bonded substantially uniformly across the rubber backing sheet. As explained in the specification at page 6, lines 5-9, the non-woven construction used in the present invention reduces the capability of delamination by more effectively, more uniformly and more strongly holding the pile fibers in place. It is respectfully submitted that the combination of references previously relied upon fails to teach or suggest the presently claimed combination.

The Office Action takes the position that Sumimoto et al. teaches a non-woven pile backing within the claimed weight range. In support of this position, the Office Action relies upon Col. 4, line 12. However, the relatively light-weight cotton-like layer disclosed at that

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portion of Sumimoto et al. is integrated by needle punching with a much heavier woven cloth (5) to form a composite backing (referred to as a base cloth) for holding the yarns in place. In Sumimoto et al., the base cloth is taught to be between 30 and 500 grams per square centimeter. As will be appreciated, this is greatly in excess of the levels presently claimed. Moreover, as explained in Sumimoto et al. at Col. 5, lines 18-52, the resultant mat exhibits adherence in distributed dots rather than continuously across the interface. This discontinuous adhesion is used to avoid occurrence of waving deformation as a result of differential shrinkage between the rubber sheet and the base cloth. Thus, as best understood, Sumimoto et al. teaches that a uniform bonding between the base cloth and the rubber is to be avoided.

As regards claims 13, 16 and 22, Applicants note that each of these claims calls for both the pile backing and the rubber backing to be characterized by shrinkage of less than about 2.5% when subjected to industrial washing and drying, such that the floor mat is substantially resistant to rippling. As best understood, this feature is not taught or suggested by the art of record.

The Office Action takes the position that the recited shrinkage characteristics are obviously present in the structure of Kerr since the same materials are used. However, this conclusion is in direct contradiction to the facts presented in the specification. On this point, the Examiner is referred to the specification at page 25, line 23 through page 24, line 17. As explained, traditional non-woven materials exhibit much higher shrinkage levels. Thus, although Kerr may disclose non-woven pile backings, these are not the same materials used in the present invention and do not have the same shrinkage characteristics. It is also respectfully noted that Kerr and the present application are assigned to the same manufacturing entity. Thus, Applicants are particularly familiar with the structures of Kerr.

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In addition to the recited shrinkage characteristics, claim 22 also recites that carpet pile backing weighs from about 3.5 to about 4.5 ounces per square yard and consists essentially of a non-woven construction. As best understood, the secondary reference to Sumimoto et al. uses a carpet pile backing which is an integrated composite of woven and non-woven materials and which is described as having a mass per unit area greatly in excess of the claimed levels. Accordingly, it is respectfully submitted that the cited art does not teach or suggest all elements of the claim as written.

CONCLUSION:

In light of the amendments and remarks set forth above, Applicants respectfully submit that all remaining claims stand in condition for allowance and request that all such claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

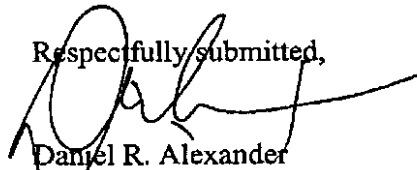
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To any extent required, a request for an extension of time is hereby made. Please charge any fees or credit any overpayment in connection with this Amendment to Deposit Account 04-0500.

June 1, 2004

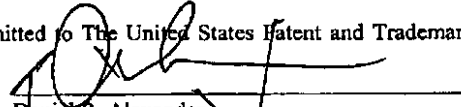
Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to The United States Patent and Trademark Office at 703-872-9306 on June 1, 2004.



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